

ARTICLE XVI

ENVIRONMENTALLY SENSITIVE AREAS

SECTION 16.01 INTENT

It is the intent of these regulations to identify and guard those areas of the township that are considered to be environmentally sensitive to development, due to soil types, drainage, vegetation, wildlife habitats or other factors that are subject to being seriously endangered, damaged, or destroyed if allowed to develop in a manner inconsistent with their conservation and preservation. Since the welfare and well-being of the citizens of the Township are likely linked and related to the natural environment of the area, it is recognized by this area that in order to maintain Environmentally Sensitive Areas in their natural condition for the benefit of mankind, it is necessary to protect such areas from degradation.

All uses allowable in zoning districts of this Ordinance shall comply with the standards set forth in this regulating the development of environmentally sensitive areas. These requirements shall be considered in addition to use restrictions or other applicable regulations for each zoning district, and shall be considered as a separate portion of the zoning application.

SECTION 16.02 ESTABLISHMENT OF ENVIRONMENTALLY SENSITIVE AREAS

Areas which meet any one (1) of the following criteria shall be considered an Environmentally Sensitive Area, subject to the conditions of this section which may be applied to such areas:

1. Wetlands
 - a. Any areas where the percolation rate is slower than one (1) inch per forty five (45) minutes. This shall include clay mineral soils in addition to organic soils;
 - b. Those areas wholly or largely covered by marsh flora.
2. Steep slopes
 - a. All slopes exceeding twelve (12) percent. When the slope on a site is in question, the township may require five (5) to ten (10) foot contour maps at and near any proposed buildings, structures or streets.
3. Shoreline areas (lakes, creeks and streams)
 - a. Shoreline areas shall be defined as those areas lying within one hundred fifty (150) feet of the water's edge, a wetland area or the designated flood plan of these water bodies. For the purposes of this Ordinance, the measurement shall be taken as follows:
 - (1) For any stream or part thereof which is generally less fifteen (15) feet in width, from the center of the channel;
 - (2) For any stream or part thereof, which is generally greater than fifteen (15) feet in width, and for any pond, lake or wetland; the line of the mean high water level, as indicated by eroded streambanks, changes in vegetation, or other reliable indicators.
4. Other sensitive areas
 - a. Other areas may be designated by the Board, upon favorable recommendation of the Commission, as Environmentally Sensitive, including but not limited to:
 - (1) Rare or valuable ecosystems;
 - (2) Significant undeveloped agricultural, grazing or watershed areas;
 - (3) Forests and related land which require long stability for continuing renewal;

- (4) Such additional areas as may be determined by the State of Michigan or the County.

SECTION 16.03 REQUIREMENTS FOR ENVIRONMENTALLY SENSITIVE AREAS

All zoning permit applications in Environmentally Sensitive Areas, regardless of size, and in addition to or as a part of, any other applicable portions of this section, shall:

1. Demonstrate that the proposed development will not adversely affect the environment environmental quality of the property and the surrounding area, by means of the following:
 - a. The applicant shall provide written evidence that the proposed development of the property will conform to the provisions of such Soil Erosion and Sedimentation Control Ordinance as may be in effect in the County;
 - b. The applicant shall provide written evidence that a sewage treatment or disposal system has been approved by the Leelanau County Health Department and is in conformance with any additional provisions set forth in this Ordinance pertaining to setbacks from the water's edge.
2. Have as a portion of the application a site plan for review by the Commission, that provides such data concerning the physical development and extent of disruption to the site as may be required by the Commission. The review of the site plan shall be made in such a manner as to:
 - a. Determine whether the regulations of this Ordinance have been observed regarding sewage disposal, and erosion and sedimentation control;
 - b. Determine whether the true intent of State and County regulation, including this Ordinance, shall be served by this development in safeguarding against adverse effects on air and water quality, the natural resources of the area, and the natural vegetation of the area. The Commission shall recommend alterations as it deems necessary to minimize such adverse effects.
3. In wetland areas, no septic facilities shall be placed on a lot of less than two (2) acres, or where the conditions do not meet the minimum standards of the Leelanau County Health Department.
4. In shoreline areas, septic facilities shall be regulated as in #3 above, except that the minimum setback of such facilities from the water's edge shall be one hundred (100) feet.
5. No building shall be permitted on a slope of greater than twelve (12) percent, unless it shall be done in accordance with plans prepared for the site by a registered professional architect or engineer. Plans shall be prepared for the disposal of storm waters without serious erosion of topsoil and without sedimentation of any stream or other body of water. Prior to approval, such plans for site alterations for steep slope areas shall be provided for comment or review by the appropriate officials of the Soil Conservation District.